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HOME **(194 7) Department.**

MS **SERIES.**

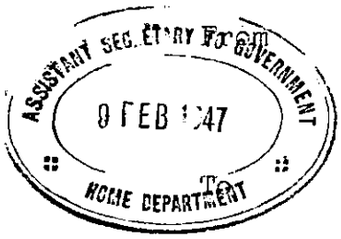
G.O. NO. 1162

Dated 22nd MARCH 1947.

[Despatch Abstract.]

COURTS - CRIMINAL - SOUTH KANARA DISTRICT - TRIAL OF CASES RELATING TO BOGUS LOTTERIES - SPECIAL FIRST CLASS MAGISTRATE AND STAFF - SANCTIONED.

Ref.C.No.4967-46-C.1. Office of the District Magistrate,
S.K. Mangalore, Dated 4- 2- 1947.



J.F.Saunders Esq., M.B.E., I.C.S.,
Collector of South Kanara,
Mangalore.

To

The Secretary to Government,
Home Department,
M a d r a s.

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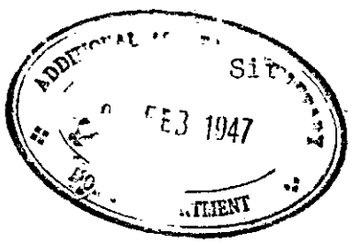

Criminal Justice: South Kanara District - Bogus lotteries Trial of cases - appointment of a special Deputy Collector Ist Class Magistrate - report submitted.

The special police employed on the detection of swindling cases in this district have detected 17 cases of cheating by means of bogus lotteries. One of those cases has been transferred to the Poona Police. Cases have been registered under section 420 and 37 I.P.C. Investigation has been completed in 12 cases and draft charge-sheets have been laid. The charge sheets in the remaining 4 cases have also been filed before the Sub Divisional Magistrates concerned.

2. The District Superintendent of Police, S. Kanara, reports that all these are intricate cases of an inter-provincial nature wherein the 412 witnesses have to come from all over the Presidencies of Madras and Bombay and that the cases involve the recording of a huge volume of evidence. He states that it will not be possible for the Sub Divisional Magistrates to try these cases in the midst of their normal revenue and magestrial work and requests that a special first class Magistrate may be appointed for the purpose. Copies of his reports R.C.1846/ State-46 dated 22- 10- 46 and 8-1-47 are enclosed. I agree with him that a special court is necessary to try these cases and in view of their sensational nature and the large number of witnesses and exhibits involved, it is necessary to appoint a special Deputy Collector Ist Class Magistrate for the purpose.

3. I request that the Government may be pleased to appoint a special Deputy Collector Ist Class Magistrate for this purpose for a period of six months in the first instance. A staff consisting of two lower Division clerks, one attender, and 2 peons may also be employed to work under him for a like period.

4. There is no space in any of the existing Government buildings in charge of this department in Mangalore to house the Special Court which will have to be located in a private rented building. A suitable building will be looked for and separate report submitted.

5. In view of the intricate nature and the importance of the cases, the prosecution work has to be handled by an experienced person. There are no suitable A.P.Ps. available here. The employment of an additional Public Prosecutor will be an expensive proposition and the A.P.P.I cannot be spared for this work as he has got to manage the existing prosecution work in the District. I suggest that the services of an experienced and capable Prosecuting Inspector may be secured from anywhere in the Presidency to conduct these special cases

6. Copies of the 12 draft charge-sheets filed by the Police so far are enclosed.

Saunders.

District Magistrate.

Report-from the District Superintendent of Police, South Kanara.
To-the District Magistrate of South Kanara, Mangalore.
Dated-Mangalore, 22-10-46.
No.-R.C.No.1846/Stat1.46.

Sub: Bogus Lotteries - Trial of cases - Appointment of special court - orders sought.

I forward herewith a copy of report dated 17-10-46 of Mr. A.S. Rajiva, Inspector of Police on Special duty on the series of inter-provincial swindling cases investigated by him and his staff. I fully agree with the Inspector, that these intricate cases requiring closer and more concentrated attention have to be entirely entrusted to a single prosecutor and I have decided to entrust them to Assistant Public Prosecutor I, Mangalore. Besides, it will be extremely ------- difficult for the Sub Divisional Magistrates in the midst of their other Revenue and touring work to give their undivided attention to these cases and to dispose them off expeditiously. It is, therefore, absolutely necessary in the interest of the cases, which involve the recording of a volume of evidence from witnesses from all over the Provinces of Madras and Bombay, and for other reasons stated in the report attached, to appoint a Magistrate with I Class powers for a period of six months, exclusively for these cases, whereby he would be in a better position to give them his concentrated attention and bring them to a speedy close. I would go further and suggest that Mr. Solomon Joshua, the Tahsildar of Kasargod who has been vested with I Class Magisterial powers will be competent to try these cases.

2. I solicit the favour of your early orders on the subject.

3. In anticipation of your approval of my above suggestions, I am requesting the Sub Divisional Magistrates of Mangalore and ------- Coondapoor to stay the trials of Crime Nos.120/46 and 121/46 of ------- Mangalore North and Crime No.44/46 of Karkal.

Copy of report, dated 17-10-46 of Mr. A.S. Rajiva, Inspector of Police on Special Duty..

Sub: Bogus Lotteries - Trial of cases - Appointment of Special Court - Report submitted.

In all 17 cases of cheating of an inter-provincial nature were being investigated by me and the staff working under me. The cases have all been registered under Section 420 and 37 I.P.C. Of these cases, Cr.no.104/45 of Udipi Station has been transferred to the Poona Police, as the courts in South Kanara, have no juridiction to try the offenders.

Of the remainder three cases have already been charged before the Sub Divisional Magistrates of Mangalore and Coondapoor. In two of the cases, viz., 121/46 of Mangalore North and 44/46 of Karkal, the accused happen to be the same, but on account of the question of juridiction, they have been charged before the Sub Divisional Magistrates of Mangalore and Coondapoor. But the same documents are made use in both the courts and some of the witnesses are identical. In the remaining cases, charge sheets will have to be laid both before the Sub Divisional Magistrate, Coondapoor and Mangalore. The same difficulty as pointed out above exists even in these cases. Except in one of the cases the accused are all different but the properties and the witnesses are identical in some cases.

Further the cases arose out of inter-provincial swindling and as a result the witnesses have to come from far and wide from all over the Presidencies of Bombay and Madras and some of the Native States. Unless undivided attention is given to the cases, it is not possible to dispose off the cases in the near future, and the trials in different courts will necessarily hamper the police officers who were responsible for charging the case, and prevent them from efficiently instructing the prosecuting officers and making available the witnesses to the Court. It is also better if a single prosecutor takes up all the cases. The Sub Divisional Magistrates with their Revenue and touring work will not be in a position to expedite the trials of the cases, and a fairly large number of the 13 remaining, will be charged.

Under the above circumstances, I beg to submit the following for consideration and favourable orders. A single prosecutor may be appointed to prosecute all the cases. Preferably the A.P.P.I who has considerable experience in handling cases of the nature may be ordered to prosecute these cases and give his whole attention to this work alone. The amount of work to be done in this respect is considerable and will keep him busy till their disposal.

Further, I submit that a first class Magistrate may be specially appointed to try the cases for 6 months in which period it is hoped the cases will be closed, if taken up exclusively and tried. For reasons noted above, it will be impossible for any Sub Divisional Magistrate to try the cases. It is also submitted that <u>it is not desirable</u> that the trials are entrusted to a Honorary Magistrate. I, therefore, request that a stipendiary Magistrate, with I Class powers may be appointed for the purpose. In the meanwhile, the Sub Divisional Magistrates of Mangalore and Coonda poor have to be directed to stay the trials in the cases charged viz., Cr.Nos.120/46 and 121/46 of Mangalore North and 44/46 of Karkal.

I submit that this report may be forwarded to the District Magistrate for orders.

Sd/ xx xx xx
Dt.Supdt. of Police,
South Kanara.

Report-from the Dt. Supdt. of Police, South Kanara.
To-the District Magistrate, South Kanara.
Dated-Mangalore, 8-1-1947.
No-Ref.R.C.No.1846/Stat1/46.

Sub: Bonus Raffles - Trial of cases - Appointment of a Special I Class Magistrate - Proposals.

Ref: Your R.C.No.4967/C1/46, dated 7-11-46.

Draft charge sheets in 12 cases are enclosed. Charges sheets in these cases will be filed before the end of January 1947. Twelve charge sheets were filed in four cases before the Sub Divisional Magistrates of Mangalore and Coondapoor, viz., in Cr.Nos.44 & 60/46 of Karkal station before the Sub Divisional Magistrate, Coondapoor and 120 & 121/46 of Mangalore North station, before the Sub Divisional Magistrate, Mangalore, thus bringing the total to 16 cases to be tried by the Special Court.

It is necessary to try all the cases and to try them ------ separately. In a case of similar nature which was not half as grave as the present series, we have succeeded even in the revision filed by the accused before the High Court. Except in the cases in Cr.Nos.44, 60/46 of Karkal and 121/46 of Mangalore North, a joint trial is not possible. Therefore the number of prosecutions will be at least 14 and 14 trials will have to be held. In two more cases viz., 173/45 of Mangalore North and 65/46 of Karkal one of the accused is common and 28/46 of Udipi and 92/46 of Udipi two of the accused are common but a joint trial is out of the question, as a joint trial will result in a misjoinder vitiating the whole trial.

The number of witnesses in the four charge sheets already laid and the tentative charge sheets enclosed, is altogether 412. A few more witnesses not exceeding a dozen may further be cited when the final charge sheets are laid. Altho' about 50 of the witnesses are common to all the cases, since the cases are to be tried separately, they have to be examined separately in each case, and under those circumstances, the number does not become less.

Other reasons urged for the formation of a special court are to be found in the report of the Special Inspector dated 17-10-46 and my report, dated 22-10-46, both in the enclosed file.

Charge and memo of evidence in Cr.No.22/46. Sec.420. 37 I.P.C.. of Brahmavar Station.

Accused: 1. K.V. Shrinivasa Rao, Ex-postman, S/o Venkatramana Shereyara. Brahmavar.
2. K. A. Bai, w/o No.1.
3. A. S. Bai, Kept woman of No.1. -do-

Charge: The charge against the accused is that they between 1942 and 1946 at Brahmavar and other places created P.Ws.18-31 & others by selling them bogus lottery tickets called,- the "Premalatha donation receipt", "Goa Hospicio", and "Premaleela" representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accused and which was the property of the said P.Ws. and thereby committed an offence punishable under ------- section 420 read with section 37 I.P.C.

P.Ws.

1. A.S.Rajiva, Inspector of Police.	To prove his investigation.
2. S.I. K.V. Mallayya, S.I.	-do-
3. S.I. H. Doomanna, S.I.	-do-
4. H.C. 281 Devappa	-do-
5. H.C. 295 Seetharama	-do-
6. H.C. 158 Govinda Naika	-do-
7. H.C. 386 Monteiro	-do-
8. N. Ananthapadmanabha Achar, son of Venkatramana Achar, Neelavar.	To prove the complaint to the Police.
9. S.I. Kunhikanna.	To prove the investigation.
10. Narasimha Shetty, V.M. Brahmavar.	To prove that the accused were not running any charitable institution etc.
11. P. Bhasker Rao, Postmaster, Brahmavar.	To speak to the various letters of instructions of the accused and the sending out the so-called donation receipts by the post etc.
12. B. Manjunatha, Postman, -do-	To corroborate No.11 etc.
13. M. Bhima Rao son of Chinnayya, Shimoga.	To prove that the accused was running what was known as the Krishna Canalingee War Sofa Factory stores in Shimoga etc.
14. J. Subba Rao, Postmaster, Shimoga.	To prove that Al was running what he called the Novel Agency at Shimoga etc.
15. C. Pereira S/o Duje Pereira.	To prove that he was created by Al as Proprietor of No.1 Agency etc.
16. Sonanata Bhat, Agent, Jayalaxmi Bank Madgere.	To corroborate No.15.
17. Gurulappa, Postman, Shimoga.	To corroborate No.14.

18. V.A. Razak, Subrahmanyachary.	To prove that he was an agent of the accused for selling the so-called lottery tickets.
19. Abdul Kader @ Appa, son of Ahmad Khana, Bishop's Palace. Road, -do-	To prove that he was cheated by the accused.
20. Krishna Pillya, Postman No.	To prove the delivery of the V.P.Ps. to W 18 etc.
21. M.B.H. Raja, Director, The Planters' Transport Ltd., -do-	To prove that he too was cheated etc.
22. D.R. Uttarkar, Merchant, Gadag.	To prove that he was an agent for selling the so-called lottery tickets of the accused etc.
23. Azamatulla Rahiman Khan, Spirit Merchant, Sadashivagad.	To prove that he was an agent of the accused and was cheated etc.
24. Narasimha Kamatha son of Nityananda Kamath, Virajpet.	To prove that he was cheated.
25. Nityananda Kamath s/o Narayana Kamath, -do-	-do-
26. T.A.H.Assadi s/o Abdul Baffur Assadi Sirsi N.K.	To prove that he was an agent of the accused and was cheated.
27. Edward son of Saver, Tailor.	To prove the purchase of the bogus lottery tickets.
28. Kaithan s/o Bastiam D' Costa, Clerk, Manjunatheshwari Trading Co. -do-	-do-
29. Yellappa s/o Maiksa Merwadi Shanker Electric Stores-Hubli	To prove that he was an agent of the accused for the sale of the so-called lottery tickets Etc.,
30. G.S.Poojary, Head master, Someshwar Primary School, Miraj-	To prove that he was an agent of the accused. Etc.
31. Ganesh Krishna Bhat-Kulakarni s/o Krishna Bhat Kulakarni--do-	To prove that he had been cheated.
32. U.Kehhava Acharya, City Press-Mangalore.	To prove the printing for the accused etc.
33. Shrinivasacharya, son of Venkatramana Achary, Krishna Cafe, Kade Bazaar, Belgaum.	To prove his complaint
34. B.L.N. Hegde Prabhakar Press.	To prove the printing of the tickets of the accused.

Sd/ xx xx
Inspector of Police,
On Spl. Duty. 7-1-47.

Charge and memo of evidence in Cr.No.28/46. Sec.420.37 I.P.C of Udipi station.

9

Accused: 1.Simon Clement Lewis s/o D.B.Lewis,Udyavar.
2.Deeg. B.Lewis s/o Gasper Lewis -do-
3.U.A.Sheik Gadag.

Charge: The charge against the accused is that they between 1942 and May 1946, at Udyavar and other places cheated P.Ws 12, 14, 25 and 27-31 by selling them bogus lottery tickets called, 'Milgaris Donation receipts', and 'Santa Cruza D'Goa', representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accused and which was the property of the said P.Ws and thereby committed an offence punishable under section 420 read with section 37 IPC.

1. A.S.Rajiva. Inspector of Police.	To prove the investigation Etc.
2. S.I.K.V.Mallya. S.I. of Police.	-do-
3. S.I.K.P.Achuthayya. -do-	-do-
4. H.Doomanna -do-	-do-
5. Thyampu Shetty. V.M. Udyavar.	To prove the search of the house of the Accused Etc.
6. Simon Peter D'Silva. B.P.M.Udyavar.	To prove that the accused were sending out so-called donation receipts and getting money from places outside the Dt. and were said to be doing it in the name of the so-called U.M.C.I. Etc.
7. Venkappa Bhandary Postman, -do-	To corroborate W6.
8. Shamaraya Shetty.V.M Udyavar	To prove the bogus nature of the so-called U.M.C.I.Etc.
9. K.L.N.Hegde, Manager Prabhaker Press.	To prove the printing of the bogus lottery tickets. Etc.
10. K.Narasimha Shenoy s/o Vittal Shenoy.Udipi.	-do-
11. Rev.Fr.Jacob Lewis. Secretary to the Bishop of Mangalore.	To prove that there was no Catholic Institution called the Milagris Charitable Institution, Etc.
12. A.J.Wallis s/o Minim Wallis,Ernaculam. (C/O Anthony Francis, Hardware, Merchant.)	To prove that he was an agent of the accused for selling the so called lottery tickets Etc.
13. J.M.Lewis, s/o Paul Sylvester Lewis,Brahmvar	To prove that he was a servant under A1 when the accused made him assist in sending out bogus lottery tickets in 1942 Etc.
14. Vasudeva Kamath,General Merchants, Cochin.	To prove that he was an agent of the accused Etc.
15. B.Govinda Pai. Gold Merchant,Mattancherry.	-do-
16. V.A.Razak. Soap Dealer, Kavalabazaar.Chengannacherry.	-do-
17. T.Augustine.Book seller, Chengannacherry.	-do-
18. A.Pereira,Kurial Lane, Calicut.	To prove that he purchased the so called lottery tickets of the U.M.C.I and that he was cheated Etc.
19. T.Cardoza,agent,Spencer and Co. Cumbum.	-do-
20. K.C.Chako. B.A.B.L.Trivandrum.	-do-

21.	M.A.Sheik Merchant,Gadag.	To prove that he was an agent of the accused for selling the so-called lottery tickets.
22.	N.J.Mandiri Taylor,Bettagiri.	To prove that he has been cheated by the purchase of bogus tickets from A3.
	-do-	
23.	Hanumantha Rao, Clerk, N.C.Mills.	-do- To prove that he was cheated Etc.
24.	Hyat Khan Yusuf Harmonium dealer	-do- -do-
25.	M.Shrinivasa Rao, s/o Madras Hotel Gadag.	-do-
26.	Venkatesh Kulakarni, Postman,H.P.O.Gadag.	To prove the delivery of parcels and V.P.Ps of tickets from U.M.C.I to the addresses Etc
27.	D.R.Uttarkar, General Merchant	To prove that he was an agent of the accd. -do- for the sale of the so-called lottery tickets
28.	O.Krishnan,Clerk Petrol Rationing office,Trivandrum.	To prove that he was cheated Etc.
29.	Padmanabha Pai, Cocoanut merchant, St.John's street, Alleppey.	do-
30.	M.V.Kurien, s/o Varkey,Vazhichery,	-do- To prove that he was an agent for the sale of tickets of the accused Etc.
31.	Abdulkadri s/o Ahmad Khan,Chenganacherry.	-do-
32.	H.C.158-Govinda Naika.	To prove his investigation.
33.	H.C.281 Devappa	-do-

Sd/xx xx xx
nspector of Police,
n Sp.Duty. 7.1.47.

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Charge and memo of evidence in Cr.No.52/46 Sec. 420 and 37 I.P.C of Moodabidir Station. 11

Accd: M.Krishna Rao, Wholesale dealer, Miraj.
2.Appa Guruvappa Lakade, Lottery Agent, Miraj.
3.Phillip Martis, c/o L.Joseph and Co., Appollo Street,Bombay.
4.Bansilal Kankani, s/o B.Ganeshram Kankani, Miraj.

Charge:- The charge against the accd. is that they between March September 46 cheated P.Ws. 4-19 and others at Moodabidri,Kinnigoly, Karkal and other places by selling them bogus lottery tickets called 'Golden Fawn',Noble De Goa' Santha Rita National De Goa' represneting them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accd. and which was the property of the said P.Ws and others and thereby committed an offence punishable under Sec. 420 and 37 I.P.C.

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P.Ws.

1.	B.C.Indra,Merchant Moodabidir.	To prove his complaint etc.
2.	S.I.K.V.Mallaya	To prove the details of his investigation etc.
3.	Sri A.S.Rajiva, Inspector of Police.	To prove his investigation.
4.	Vittal Pai,Vasantha Bhavan, Moodabidir.	To prove his complaint. etc.
5.	Upendra Mallya c/o P.W.1.	To corroborate P.W.1 so far as he is concerned.
6.	Narayana Kamath, of Siddakatte,Moodabidir.	To prove his complaint etc.
7.	M.S.Keshava Kamath Moodabidir.	To prove his complaint etc.
8.	Krishna Raya Prabhu Shop keeper,Moodabidri.	-do-
9.	Ramaraya Proabhu, Halengady.	To prove his complaint etc.
10.	Annappa Achary, Kinnigoly.	-do-
11.	Vittala Achary,Kinnigoly.	-do-
12.	Ramanna Achary,Kinnigoly.	-do-
13.	Dasu Madivala,Kinnigoly.	-do-
14.	Marcel De Souza,-do.-	-do-
15.	Baburaya Achary -do-	-do-
16.	Sanjiva Shanboghue -do-	-do-
17.	Dasu Mallia -do-	-do-
18.	Manjunatha Mallia -do-	-do-
19.	Govinda Baliga s/o Rama Baliga, Bunder,Mangalore.	To prove his complaint etc.
20.		

Sd/xx xx xx
Inspector of Police,
On Sp.Duty. 7.1.47.

6/2

harge and memo of evidence in Cr. No.49/46 Sec. 420 I.P.C. of Brahmavar Station.

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Accused:- Kurady Vasudeva Kalkura Hanehalli.

Charge:- The charge against the accd. is that he between 1940 and June 1946, at Mangalore and other places, cheated P.Ws 19-27 and 34-37 and others by selling them bogus lottery tickets called "Shanthi receipts", "Shanthiniketan Orphanage", "Shanthi Donation Receipts", "Shanthinagar uplift fund", Shantriniketha Girls' Education Fund", Shanthi C.W.Receipts", representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the acc. and which was the property of the said P.Ws. and others and thereby committed an offence punishable under Sec. 420 I.P.C.

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P.Ws.

1. A.S. Rajiva, Inspector of Police, :- To prove his investigation

2. K.V. Mallayya S.I. of Police, -do-

3. Vittal Rao, Post Master, Mangalore — To prove that he caused the detention of postal articles addressed to the accd's concern and delivered them to P.W.2, that the accd. had given of letter of instructions etc.

4. J.B. Pinto, Clerk, Hampankatta P.O. — To prove that P.W5 was doing clerical work of Shanthiniketan Office situated in Kohinur Press, that P.W.5 was booking the V.Ps, etc. containing what were said to be donation receipts that witness knew that the accd. had authorised P.W.5 to receive postal articles addressed to Shanthiniketan Office etc.,

5. Alban Pinto s/o Gregory Pinto — To prove that he was doing clerical work for the accd. since about 1942, that the office of the Accd. was situated in the Kohinur Press building Mangalore, that the Accd. was running a Scheme in which donation receipts were being printed with different names and sold outside the district and prizes were also distributed to the winners, that he (Wit) used to send V.P.Ps and Registered Parcels containing the receipts to different addresses as per instructions of the accd., that he was maintaining proper accounts in respect of the business, that he produced them before P.W.1 who seized them under a yadast attested by P.W. 6 and others etc.

6. D.Lingappa s/o Aithu Maistry. — To prove that he attested the yadast referred to by P.W. 5 etc.

7. Halen D'Souza w/o S.D'Souza, Vrva. — To prove that P.W.5 and another visited her house about 1½ months prior to 30-7-46 and kept a small suit case inside her house, that P.W.5 came along with P.W1 and others to her house 1½ months after that date and P.W.5 produced the same before P.W.1 etc.

8. Antony Pinto Postman No.14.H.P.O. — To prove that he knew P.W.5 to be the clerk of the Accd., that he used to deliver all postal articles addressed to Shanthiniketan Office to P.W.5, as per letter of instructions of the accd. to that effect, that P.W.5 used to acknowledge the receipt of the said Postal articles.

9. N.Babu Cashier, Asian Life Assurance Mangalore. — To prove that the accd. holds an Insurance Policy of his company, that P.W.5 has made

P.T.O.

payment of premium on behalf of the accd. etc.

10. B.Boja Rao Clerk United Life Office Mangalore. — To prove that he issued a receipt for Rs. 38-3-0 being the premium on Policy No.10692 of K.V. Kalkura in the Guardian Life Assurance, that the amount was received by him through P.W.5 and that he issued only a temporary receipt etc.

11. J.S.Antony Lobo, M.C.C. Bank, Mangalore. — To prove that the accd. pledged gold jewels in the M.C.C. Bank and borrowed loans and these loans were repaid into the bank by P.W.5, and to prove the entries in the loan ledger under dates 7/1/46, 12/2/46 and 18/3/46 etc.

12. A.J.Fernandes M.C.C.Bank, Mangalore. — To correoborate P.W.11 etc.

13. K.Kuthuswamy, c/o Ramaswamy Chettiar, Market Road, Mangalore. — To prove that the accd. was purchasing cloths from the shop on credit, that P.W.5 was making payments on behalf of the accd. etc.

14. K.Manju Shetty, Malabar Cloth Stores, M'lore. — To prove that the accd. was his customers and was buying clothes on credit, that P.W.5 was making the payments on behalf of the accd. etc.

15. Narayana Clerk, of P.W.14. — To corroborate P.W.14 and to identify the receipts issued by him for P.W.14 etc.

16. P.C. Janardhan c/o M.R.Subbanna Chettiar, Mangalore. — To prove that the accd. was purchasing clothes from their shop on credit and that P.W.5 was paying the amount on behalf of the accd. that receipts were issued accordingly etc.

17. S.Ganapathi Naik c/o Varadarajulu Chettiar M'lore. — To prove that the accd. was purchasing handloom clothes from his shop on credit and that P.W.5 paid the amount on behalf of the accd. and he (wit) issued the receipt accordingly, that the accd. opened accounts from 23-3-46, that P.W.5 paid Rs.100/- on 27-5-46 and the balance due from the accd. is Rs.114-1-3 on 31-8-46 etc.

18. A.Babu, Postman H.P.O.Mangalore. — To prove that in 1942 he was the postman for No.14 beat in which Shanthiniketan Office was situated, that he was deliverying all the postal articles to P.W.5 who was said to be the clerk of accd. and as per instructions of the accd. given in writing in the presence of the witness, that he took the letter and handed over the same to the Postamaster etc.

19. M.Malsattappa, B'lore. — To prove that he was buying Shanthi Raffle tickets since about 1937 from the accd. that later the name of the tickets were altered into receipts although the scheme was the same as before, that he was buying the tickets worth about Rs.500/- every month and he used to sell them to different people and keep the unsold for his own use, that he did not know that the lottery tickets were bogues ones that he had maintained regular correspondence in respect of the sales etc., that he produced the same before P.W.2 which the latter seized under a yadast attested by P.Ws.

20. Basavarajappa, s/o P.W.19. — To corroborate P.W.19 etc., and also to prove that in about April 1939 he visited Kurady and met the accd. who showed him the Shanthiniketan building and told him that the Shanthiniketan lottery was being conducted for increasing the funds of the school that the Govt. have taken objection to his running a raffle and that he therefor printing the tickets called as receipts although for all practical purposes this scheme was the same as that of Shanthi Raffle etc.

P.T.O.

21. Shambulingappa Chickpet,B'lore.	That he was buying Shantiniketan lottery tickets since 1943 from Mangalore by post that he did not know that the tickets were of bogus lottery etc.
22.Veeranna Shetty. V.M. Hanehalli.	To prove that the so called Shantiniketan lottery was a bogus one etc.
23. N.Anantharamayya Bangalore.	To prove his complaint etc.
24. K.Ananda Rao, B'lore.	To prove his complaint.
25.N.Venkatagiri Rao Daffedar,B'lore.	To prove his attestation of the yadast.
26. Munisamy Reddy, Thiptoor.	To prove his complaint.
27. Shamanna,Arasikere.	To prove his complaint.
28. U.Keshava Acharya, City Press Mangalore.	To prove the printing of Shanthiniketan tickets etc.
29.K.Dayanda Shenoy, City Press, M'lore.	To prove that the Accd. was getting tickets etc. printed in the City Press.
30. M.N.Kamath,City Press,Mangalore.	To prove the entries in the ledger and day-book maintained in the City Press relating to the job of Shanthiniketan.etc.
31. K.V.Joshy,Dongerkery, Mangalore.	To prove the entries in the works register of City press and the printing of Shanthiniketan tickets and bonus lists.
32. G.Dathathriya Bhatji, Shanktha Printing Press, Mangalore.	To prove the printing of Shanthiniketan tickets etc..
33. Sri Annayya Hegde, Head Clerk, D.E.O's Offide,Mangalore	To prove that Shanthiniketan Higher Ele. School,recognition was withdrawn with effect from 1-1-46 etc.
34. A. Rama Rao, B.P.M. Chelur. Tumkur Dt.	To prove his complaint.
35. K.Ashwatha Rao, Hanaganahally,Kolar District.	To prove his complaint.
36. P.M.Mehatha,Madras.	To prove his complaint.
37. A.S.Bhagavath, Siddapur.	To prove his complaint.
38. A.A.D'Souza,Kohinur Press, Mangalore.	To prove the printing of Shanthiniketan tickets, lists,etc.
39.H.C.246,L.D.Souza.	To prove his investigation etc.
40. H.C.386,S.Montero	-do-
41. H.C.295 Sitharama	-do-

Sd/ xx· xx
Inspector of Police
on Spl. Duty,
7-1-47.

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Charge and memo of evidence in Cr.No.65/46 Sec. 420 I.P.C of Karkal Station.

17

Accused:- K.Keshava Kalkura Kurady (2) Vyasaraya Bhatta of Peruvaje, Karkal.

Charge:- The charge against the accused is that he between 1943 and June 1946 at Calicut Karkal and other places cheated P.Ws 13 - 26 and others by selling them bogus lottery tickets called 'Leela Special', 'Ever Special', 'Aloysius Special' 'Charity Slip' representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accud. and which was the property of the said P.Ws and others and thereby committed and offence punishable under Sec. 420 I.P.C.

P.Ws.

1. T.V.Krishna Pillay Palayam, Calicut.	To prove that the P.C.Bank was run by the accd. in the upstairs of his building at Palayam in Calicut Town from 1943 till middle of 1945, that no banking business was done there, that no board was hung up for the office etc.
2. K.V.Mallayya, S.I. of Police.	To prove the details of his investigation etc.
3. T.V.Narayana Iyyer Deccan Publishing House, Calicut.	To prove the printing of tickets 'Leela Special, Ever Special, Charity slip' etc for the accd. and also to prove the entries in the account books in respect of the printing etc.
4. K.Venkateshwaran, Saraswathi Printing Works, Calicut.	To prove the printing of 'Aloysius Special tickets' in his press and also the bonus lists etc. for the accd; and also to prove the entries in cash book pages 90 and 97 etc.
5. T.R.Subramanian Iyer, Rama Menon's Street, Calicut.	To prove that he audited the accounts of the P.C.Bank for 1944 at the instance of the Accd. etc.
6. Maria Leeza Joshua Cannanore.	To prove that she was the clerk in the P.C.Bank Calicut from 1943 till 1944 that she was receiving the correspondence addressed to P.C. Bank as per instructions of the accd. and delivering them to the accd, that she was despatching tickets to the various agents as instructed by the accd, etc.
7. T.Kumaran Postman No.3 Calicut.	To prove the delivery of the postal articles addressed to P.C.Bank to P.W 6 as per instruction letter of the accd. etc.
8. H.Rudrappa Shimoga.	To prove his complaint, his petition to the D.M of Malabar, etc.
9. P.Narayana Nambiar Retired Tahsildar.	To prove his enquiry into the petition of P.W.8 etc.
10. Sri K.Sethu Madava Nair, Inspr. of Police.	To prove his investigation in Cr.No.64/44 of Calicut Town etc.
11. Ramachar, Shimoga.	To prove his complaint etc.
12. J.Subba Rao, Big bazaar, Shimoga.	To corroborate P.W.11 so far as he is concerned etc.
13. Kalappa Sheragara Karkal	To prove his complaint etc.
14. Babu Achary, Salmar Karkal.	-do-
15. K.P.Panduranga Peruvaje, Karkal.	To prove his complaint, etc.
16. Manjunatha Achary Salmar, Karkal.	-do-

18

17.	S.Y.Narayana Shetty Hosalane, Hasan.	To prove his complaint etc.
18.	P.Shambu Lingappa Bangalore.	-do-
19.	Siddalingappa s/o P.W.18	To corroborate P.W.18 etc.
20.	T.S.Ambabasavayya Tumkur.	To prove his complaint etc.
21.	G.Rama Rao, Mandipet Tumkur.	do-
22.	K.Aswatha Rao, Shanbhogue, Hangana hally, Kolar Dt.	-do-
23.	Narayana Govinda Gadgil Hubli	-do-
24.	N.R.Gore, Hubli	To corroborate P.W.28 etc.
25.	Shanker Bhat Joshi Hubli	-do-
26.	A.S.Bhagavath Siddapaur	To prove his complaint etc.
27.	H.Nagappa, S.I	To prove his investigation.
28.	H.Doomanna S.I.	do-
29.	Argumugam Pillay Tinnevelly	To prove his complaint etc.
30.	H.C.158 Govinda Naik	-do-
31.	H.C.295 Sitharama	-do-
32.	H.C.386 S.Monterio	-do-
33.		

Sd/xx xx xx
Inspector of Police
On Spl.Duty. 7.1.47.

6/2

Charge and Memo of evidence in Cr.No. 89/46 Sec.420.37 IPC. of Udipi station

19

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Accused: A.D'Silva S/O Michael D'Silva, Tonse East.
2. J.B. Lewis S/O A.H. Lewis. -do-

Charge: The charge against the accused is that they between 1945 and June 1946 Tonse East and other places, cheated P.Ws 8-12 and 15-23 and others by selling them bogus lottery tickets called "Santa Teresa De Goa" and Donation Santa Teresa" representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accused and which was the property of the said P.Ws and others and thereby committed an offence punishable under section 420 IPC read with Section 37 IPC.

1. A.S. Rajiya Inspector of Police. To prove the investigation etc.

2. S.I. Mallya S.I. of Police -do-

3. A.D'Souza Kohinur Press. To prove the printing of the bogus tickets in his press for the accd. etc.

4. Abdul Haki Assadi Post-master, Kalliampur. To prove that the accused were said be running a so-called charitable institution called Santa Teresa Charity fund, and sending out bundles of so called donation receipts and Bonus lists outside the Dt. through the post Etc.

5. Raman Nair, Postman Tonse East- To prove the delivery of the postal articles to the accd. etc.

6. Ramachandra Rao.V.A. Tonse East- To prove that so-called Santa Teresa Charity Fund was a bogus one Etc.

7. N.R. Narayanan R.A.F. Camp St. Thomas mount, Madras. To prove the contents of the letter written by him to the accused Etc

8. Raman Appu-Puthenpatha Veedu Kuthiathodu. Travancore. To prove his complaint etc.

9. P.V. Narayanan. tobacco Merchant- Kuthiathodu, Travancore. To prove that he purchased lottery tickets from the accused and sold the same to P.Ws 8 and 10 and others Etc.

10. Velipparambil Ali Abdul Kuthiathodu -do- To prove his complaint. Etc.

11. P.K. Parikutti, Nilayamparambil -do- To prove his complaint.

12. K.T. Thomas, Commission agent Boat Jetty, Alleppey. To prove that he was an agent for the sale of the so called lottery tickets which the accused used to send him by post and that he was selling the same to the public and P.W9 and that thus the public were cheated thro'him.

13. Sankappa Rao Landlord, Kannur. To corroborate W2 regarding the seizure of articles in the Kohinur Press.

14. K.P. Ahad.H.C. 511 To prove the search of the house of Accd. AdD. Silva Etc.

15. D.P. Divaker, Gadag. To prove that he was an agent for the sale of the so called lottery tickets of the accd and that he and his buyers were cheated.

P.I.C.

20.

16.	A.R. Ganachary. Gadag. Vibhuthigalli.	To prove his complaint.
17.	P.A. Ramakrishna Vaidyar.	to prove his complaint.
18/	J.W. Gloria. E. Pulluswamy. Muthia Building, Mudalia Chatram, Trichy.	To prove his complaint.
19.	K.P. Raghavan-Head Quarter. Nilgris, Malabr, Battalion Malabar.	To prove his complaint.
20.	T.K. Pidru. Copper merchant West End Madakavu Trichur.	To prove that he was an agent for the sale of the so called lottery tickets, and that he and his buyers including P.W.21 and 22 have been cheated etc.
21.	P.V. Joseph Big Bazar Arnathakare, Trichur.	To corroborate No.20
22.	K.P. Ouseph C/O V.P. and sons West End, Madakavu -do-	To prove his complaint.
23.	N. Sundaraja S/O N.Naina Achary. Diamond Merchant, Kuruppam Road, Trichur.	-do
24.	H.C.281 Devappa	To prove his investigation-
25.	H.C. 386 Monteiro	-do-
26.	H. Doomappa S.I. of Police	do-

(sd) xxxxxxxxx
Inspector of Police
on Sp. Duty 7-1-47.

KR 7/1

Charge and memo of evidence in Cr.No.90/46 Sec. 420.37 IPC. of Udipi Station.

21

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Accused: A.B Tonse, S/O Koraga Belchada, Tonse East.
2.I.S. Lewis S/O Philip Lawrence Lewis, Tonse East.

3. Appi @ Muthakke, W/O Al -do-

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Charge. The charge against the accused is that they between 1942 and 1946 at Tonse East and other places cheated P.Ws 11-19 and others by selling them Bogus lottery tickets called "Santo Casa de Goa" Santa Philomena De Goa", special Santa Casa" Representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accused, and which was the property of the said P.Ws and others and thereby committed and offence punishable under section 420 IPC. read with section 37 IPC.

1. A.S. Rajiva B.A. Inspector of Police, — To prove the investigation.
2. K.V. Mallayya S.I. Police — -do-
3. H. Doddamma S.I. Police — -do-
4. H.C. 295 Seetharama — -do-

5. Abdul Hakim Assadi Postmaster.Kallianpur. — To prove that the accused were said to be running a bogus Charitable institution called the Jamara Charitable Bereau Kallianpur and sending out bundle of so-called donation receipts and bonus lists outside the Dt. thro' the post Etc.
6. Rama Nairi Postman -do- — To prove that he was delivering postal articles to the accused Etc.

7. Ramachandra Rao V.A. -do- — To prove that the so-called C.C. Bureau was a Bogus one Etc.

8. S.L.N Hegde Prabhaker Press. Udipi — To prove the printing of the so-called donation receipts of Santa Casa Etc.

9. Brother Andrew Manager, Udipi Press. — To prove the printing of dates for the Accused 1 and 2

10. K. Narasimha Shenoy S/O Vittal Shenoy, Udipi. — To prove that he got Santa Casa and other Donation receipts printed in the Prabhakara Press for the Accd.

11. V.A. Razak. Kerala Bazaar-Changanacherry. — To prove that he was an agent for the sale of the so called lottery tickets of the accused at. Changannacherry Etc.

12. M.V. Padmanahbha Pillay, Puthar Veedu. Othenapura Vaicum. — To prove his complaint.

13. T.C. Xxxxxx Verghese General Merchant. — -do-

14. V. Varmis S/O Varkey Withayathil House, Cheranallur Post. Varaphuzha. — -do-

15. Urmis S/O Paily, Vithayathil House, -do- — -do-

16. A.C. Simon, S/O Kammiyale, Mithulloyle House, Cheranallur Varaphuzha — To prove that he was an agent of the C.C. Bureau for the sale of the so-called lot-tery tickets

17. Albert Correa, L.F.M. Varaphuzha. — -do-

P.T.O.

18. Shankar RaxBxPandexxR

22

18. Shankar Rao.B. Pande.
Principal, Royal Commercial
Institute, Dharwar. To prove his complaint.

19. I.B.G. Ijanthkar-
Dixitwada, Line
Bazaar, Dharwar. To corroborate No. 18:

(Sd) xxxxxxx

Inspector of Police
On Sp. Duty. 7-1-47.

Charge and Memo of evidence in Cr.No. 92/46 Sec.420.37 IPC. of Udipi Station.

Accused. Manjunatha, Teacher, Kuthpadi Ele. School, Kuthpadi.
2. S.C. Lewis S/O Deog Lewis, Udyavar.

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3. U.A. Sheik Sadeg.

Charge:-The charge against the accused is that they between May 1946 and June 1946, at Udyavar and other places cheated P.Ws. 11,12, 13, 14, 16, 18 and 19 selling them bogus lottery tickets called, Santa Cruza-De Goa", representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accused and which was the property of the said P.Ws. and thereby committed an offence punishable under section 420. read with Sec. 37 IPC.

P.Ws.

1. A.S. Rajiva Inspector of Police, Mangalore. To prove the investigation.
2. H. Doomanna, S.I. of Police. - do-
3. H.C. 281 Devappa -do-
4. S.I.V.P. Achuthayya -do-
5. Shyampu Shetty.V.M. To prove that the accused were not running any lottery or charitable institution.
6. Simon Peter D'Silva. B.P.M. Udyavar. To prove the despatch of the bogus lottery tickets thro' the Post Etc.
7. Venkappa, Postman -do- -do-
8. K.L.N. Hegde, Prabhakar, Press. To prove the printing of the bogus lottery tickets.
9. K. Narasimha Shenoy S/O Vittal Shenoy, Udipi. -do-
10. H.C. 511, Abdul Ahad. To prove the serach of the house of Al.
11. N.J. Mandir, Tailor, Bettigeri, Gadag. To prove that he was cheated.
12. Hanumanthe Rao, Narnappanavar, N.C. Mills. -do-
13. M.A. Sheik, Merchant Road Gadag. -To prove that he was an agent and was also cheated.
14. M. Shrinivasa Rao, Supplier Madras. Hotel Station Road -do- To prove that he was cheated.
15. Venkatesh Kulkarni, Postman-Head Office, Gadag. To prove the delivery of MO's to Ws. 13 and others Etc.
16. Abdulkadri S/O Ahmad Kanna-Chengannachery. To prove that he was an agent and was cheated.
17. Padmanabha Rai, Coconanut Merchant, St. John' Street. Allepey. To prove that he was cheated.
18. M.V. Mathen, S/O Varkey, Vadhicherry do- To prove that he was an agent and was also cheated.

19. P.T.C

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19. K.J. Joseph, Cultivator, Kainakari, Alleppey. — To prove that he was a [illegible] and he was cheated.

20. P.V. Zacharia, Commission agent, Alleppety — to prove that he was cheated.

21. M. Jacob s/o Kanath, Jew. Town, Cochin. — To prove that he was an agent.

22. B. Govinda Rai, Gold Merchant West Gate, Cochin, Mattancherry. — -do-

23. V.A. Razak, Scrap Dealer, Chengannacherry. — To prove that [illegible] accused for the sale of the so-called lottery tickets .Etc.

(Sd) xxxxxxxx xxx.

Inspector of Police.
On Sp. Duty 6-1-47.

Charge and memo of evidence in Cr. No. 173/45 Section 420 and 37 I.P.C. of Mangalore North Station.

Accused:- Dr. K.K. Keshava Kalkura, Kurady
A. Kuttikrishna Nair, Ponnani.

Charge:- The charge against the accused is that they between 1943 and August 1946 at Mangalore and other places cheated P.Ws. 16-20 23-36 and 41 and other by selling them bogus lottery tickets called "Leela Special", "Ever Special", Aloysius Special", "Charity Slip" representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accused and which was the property of the said P.Ws. and others, and thereby committed an offence punishable under Section 420 and 37 I.P.C.

P.Ws.

1. H. Nagappa, S.I. of Police	To prove his investigation.
2. Sri Vittal Rao, Post Master, Mangalore.	To prove that he detained postal correspondence addressed to the accused and to prove the letters of instructions given by the accused to the witness.
3. P. Gopalakrishna Rao, Modern Lunch Home, Mangalore	To prove that the accd. were having their office in one of the rooms rented out by him etc.
4. Ananth Bhat, Proprietor Modern Cafe, M'lore.	To corroborate P.W. etc.
5. Thimmappa C/o P.W3.	To prove that he was visiting the room of the accd. for catering and that the accd. asked him not to enter the room etc.
6. M. Gopal Naik, Postman No.6, Mangalore	To prove the delivery of the postal articles to the accd., etc.
7. Lakshminarayana c/o Modern Lunch Home, Mangalore	To prove that the accd. were living in a room rented out by Modern Lunch Home and that they were not running a lottery there etc.
8. Rev.Fr.Jacob Lobo, Secretary, Bishop' House, Mangalore.	To prove that the so called "Aloysius Special " tickets have no connection with any Ecclisiastical Institution and that no charities have been received from P.C. Bank, Mangalore, etc.
9. Sri M. Ramakrishnan, H.P.M., Calicut.	To prove the letters of instructions received by him A1 at Calicut etc.
10. T.V. Narayana Ayyar, Deccan Publishing House, Calicut.	To prove the printing of Leela Special "Ever Special" "Charity Slip" etc., for the accd. etc.
11. K. Venkateswaran, Saraswathi Printing Works Calicut.	To prove the printing of "Aloysius Special" tickets bonus lists etc. for the accd. and to prove the entries in cash book pages 90 and 97 etc.
12. T.R. Subramanian Ayyar Rama Menon Street, Calicut.	To prove that he audited the accounts of P.C. Bank for 1944 etc.
13. T.V. Krishna Pillay, Palayam Calicut.	To prove that the P.C. Bank was run by the accd. in the upstairs of his building from 1943 till middle of 1945 that banking business was done there, that no board was hung up for office etc.

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14. T. Kumaran, Postman No.3 Calicut.	To prove the delivery of the postal articles addressed, to P.C. Bank and the P.W.15 used accept them on behalf of the Manager.
15. Maria Loiza Joshuva, Payambalam, Cannanore	To prove that she was the clerk in the P.C. Bank from 1943 till 1944, that she was receiving the correspondence addressed to P.C. Bank as per instructions of A1 and delivering them to A1 that she was dispatching tickets to the various agents as instructed by A1 etc.
16. P. Shambu Lingappa Bangalore	To prove his complaint.
17. Siddalingappa S/O P.W.16	To corroborate P.W.16 etc.
18. S.Y. Narayana Shetty Hosalane, Hasan.	To prove his complaint.
19. Roche Pinto, Postman Chickamagalour	To prove that he was buying tickets of P.C. Bank in 1944 and 1945 etc.
20. H. Rudrappa, Shimoga	To prove his complaint, his petition to the D.M. at Malabar etc.
21. T. Narayana Nambiar, Retired Tahsildar.	To prove his enquiry into the petition of P.W. 20 etc.
22. Sri K. Sethu Madhava Nair, Inspr. of Police	To prove his investigation in Cr.No. 64/44 of Calicut Town etc.
23. Ramachar, Shimoga	To prove his complaint.
24. J. Subba Rao, Big bazaar, Shimoga	To corroborate P.W. 23 so far as he is concerned.
25. T.S. Anubacavayya, Tumkur	To prove his complaint etc.
26. G. Rama Rao, Mandipet, Tumkur.	-do-
27. K. Aswatha Rao, Shambhogue Hanaganahally, Kolar dt.	To prove his complaint.
28. Narayana Govinda Gadgil, Hubli	To prove his complaint.
29. N.R. Gore, Hubli.	To corroborate P.W. 28.
30. Shankar Bhat Joshi, Hubli	-do-
31. A.S. Bhagavath, Siddapur	To prove his complaint.
32. K.P. Panduranga Bonivajo, Karkal	-do-
33. Manjunatha Achary, Salmar Karkal.	To prove his complaint etc.
34. Kalappa Shoregara, Karkal	To prove his complaint.
35. Babu Achary, Karkal	-do-
36. Bhujanga Rao, V.M., Mangalore town.	To prove the bogus nature of the P.C. Bank, Mangalore.
37. H. Deomanna S.I.	To prove his investigation.
38. H.C.295 Seetharama	-do-
39. H.C.386 Monteiro	-do-
40. Arumugam Pillay, Tinnevelly.	To prove his complaint.
41. H.C.158 Govinda Naika.	To prove his investigation.
42. S.P.K.V. Mallaya	-do-
43. A.S. Rajiva, B.A., Inspr. of Police.	-do-

sd.....
Inspr.of Police, On Spl duty,
7-1-1947.

Charge and memo of evidence in Cr. No. 126/46 Section 420, 37 I.P.C. of Mangalore North Station.

Accused:- C.F. Abrow, Bombay.

Charge:- The charge against the accused is that they between May and December 1946 at Mangalore and otherplaces, cheated P.Wc. 1-14 and 16-24 and others by selling them bogus lottery tickets called "Golden Casket Queensland Govt. Lottery" representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accused and which was the property of the said P.Wc. and others and thereby committed an offence punishable under Section 420 and 37 I.P.C. or a charge under Section 294-A.I.P.C.

P.Wc.	
1. S.S. Lacrado, Sanyasiguddo, Mangalore	To prove his complaint etc.
2. G. Shiva Rao, Retired Accountant, Kadri, Mangalore.	To prove his complaint etc.
3. B. Dayananda Saliga, Buntwal	To prove that he was getting the tickets of Golden Casket from A. every month and was selling them to different persons including P.Wc that he produced the records before P.W. etc.
4. E.B. Soans, Photographer, Mangalore	to prove his complaint.
5. B. Narayana Achar, Court Road, Mangalore	-do-
6. K. Narayana Kamath, Central Talkies. Mangalore	-do-
7. C.S. Kuthekhoor, Bharat Bank, Mangalore.	-do-
8. U. Lakshminarayana Kini, Bharat Bank, Mangalore	-do-
9. B.K. Siva Rao, Bharat Bank, Mangalore	-do-
10. K.R. Madhava Pai, Dt. Board Office, Mangalore	-do-
11. A. Krishna Rao, Barat Bank, Mangalore.	-do-
12. U. Janardhana Rao, Court Road, Puttur.	To prove that he was getting tickets from A from Bombay by post and selling them to different persons, that he did not know of any one having got the big prizes that he was also buying for himself the said tickets to try his chance in the lottery, that he too was deceived etc.
13. Chinady Lakminarayanappaya Puttur	To prove his complaint etc.
14. P. Krishnappaya, S/O Dovanna Pai, Puttur Kasba.	To prove his complaint.
15. Victor Saline, Postan No.2 Puttur	To prove that he was delivering V.P.Ps containing Golden Casket lottery tickets to P.W. 12 since May onwards up to November 1946 etc., that these tickets were being received from C.F. Abrow, Dobi Talao, Bombay etc.

V.6.

16.	S.D. Souza, Merchant, Court, Road, Mangalore	To prove his complaint etc.
17	Pascal Benedict Fernandes, Falnir, Mangalore	-do-
18.	P. Mariyappaya, C/O H.P.O. Mangalore.	-do-
19	A.P.D. Souza S/O T.D. Souza, Marnamikatta, Mangalore	-do-
20.	Gopinath Bhat, C/O Inspr. of L.F. Accounts, Mangalore	-do-
21.	Dr. Nemiraja Alva, Mangalore	-do-
22.	Bangra Ramanath Shanbhogue. Court Road, Mangalore	-do-
23.	A. Santhamma. Dt. Board Office, Mangalore	-do-
24.	H. Sanjiva, L.F. Audit Office, Mangalore.	-do-
25.	H.C. 246 L.D. Souza	To prove the details of his investigation etc.
26.	Mr. Forusson, S.I. of Police, General Branch, C.I.D., Bombay	To prove his attestation of the search list in respect of the search of the shop of A, etc.
27.	S.I. Mallaya	To prove his investigation.

N.B. Investigation yet incomplete in this case.

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Inspector of Police,
7-1-1947.

Charge and memo of evidence in Cr.No.212/46 Sec. 420 I.P.C. of Mangalore Town Station.

Accused:- P. Ramadass Chadaga, Headmaster, Mandarthi D.P. School.

Meenakshi Amma, wife of Accused 1.

Charge: The charge against the accused is that they between 1943 and May 1946 at Mangalore and other places cheated P.Ws. 9-15 and 17-19 and 21, 22 by selling them bogus lottery tickets called "D.P.S.De Goa" D.P.S. Mandarthi" "D.P.S. Mandanila" D.P.S. Mandakini" representing themx to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accd. and which were the property of the said P.Ws. and others and thereby committed an offence punishable under Sec. 420 I.P.C.

P.Ws.

1	G.S.Manju Bhatta Shimoga.	To prove his complaint etc.,
2	K.V.Mallayya, S.I., of Police.	To prove the details of his investigation etc.
3.	P. Subraya Chadaga C/O Shanker Vittal Office, Mangalore.	To prove that the two accd. were residing in Mangalore since about November 1943, that the accused were despatching donation receipts and bonus lists to various agents by post, that he (wit) was made to do clerical work for a few months, that the accused were receiving M.Os. from the agents to whom tickets were sent, that the accused were styling their concern as D.P.S. Mandarthi P.B.6 Mangalore, that the accd. represented to him that the scheme was similar to that of lottery and that the same was done in aid of D.P.S.Mandarthi etc.
4.	Attur Vittal Prabhu Director, Attur Bank Mangalore.	To prove that the accd. were living as tenants of the Bank and that the rent deed was executed by P.W.3, that the cashier P.W.5 was making the rent collections etc., Also to prove the rent deed and the receipts etc.
5.	K.Raghava, Cashier, Attur Bank.	To prove the issue of rental deeds to the accd. etc., and to corroborate P.W.4 etc.
6.	K. Dayananda Shenoy City Press Mangalore	To prove that Al was getting donation receipts of D.P.S. Mandarthi printed in the City Press, etc.
7.	M.N.Kamath City Press Mangalore.	To prove the entries in the ledger and day-book maintained in the City Press relating to the printing of D.P.S. Mandarthi donation receipts etc.
8.	K.V.Joshy, Dongerkery, Mangalore.	To prove the entries in the work register of City Press and the printing of D.P.S.Mandarthi donation receipts. and bonus lists etc.
9.	H.V.L. Murthy	To prove his complaint etc.
10.	Nagappa Naik Shimoga.	To prove his complaint etc.
11.	P.N.L. Naik, Malleswaram,B'lore.	To prove his complaint etc.
12.	Kaverappa s/o Appanna B'lore.	To prove his complaint etc.

13.	H.R.Narasimha Achar, B'lore.	-do-
14.	Anantharama Rao, Mangalore.	-do-
15.	S.S.Shastry, Bangalore.	-do-
16.	Gopal Naik, Postman H.P.O.Mangalore.	To prove that he was delivering postal articles of all sorts addressed to D.P.S. Mandarthi P.B. 6 Mangalore to A1 and in his absence to A2, that A1 had given a letter of instruction to the H.P.M. in that connection, that the said D.P.S. Mandarthi was situated in the Compound of the Attur Bank etc.
17.	Mandara Reddy, Alleppey.	To prove his complaint etc.
18.	Keshava Pillai, Alleppey	-do-
19.	B. Sadananda Shenoy Bangalore.	-do-
20.	H. Doomanna S.I.	To prove his investigation etc.
21	S.B.Manjunatha Rao, Shroff, C.B. Street, Shimoga.	To prove his complaint etc.
22.	B. Khader, Hussain, S/o Abdul Rahim Shimoga.	-do-
23.	H.C.295 Sitharama	To prove his investigation etc.
24.	A.A. De Souza, Kohinur Press, Mangalore.	To prove that he had done printing of D.P.S. Mandarthi tickets at the instance of A1. etc.

(True copy)

-2

bm

Charge and memo of evidence in Cr.No.222/46 Sec.420 and 37 I.P.C. of Mangalore North Station. 31

Accused: B. Laxmandevi Vidyarthi s/o Basappa Shetty, Bijai, Mangalore.
2. M.A. Moidin s/o Uchabba, Thodar.

Charge: The charge against the accused is that he between 1944 and June 1946, at Mangalore and other places, cheated P.Ws. 5-18 and others by selling them bogus lottery tickets called "Hospicio De Goa" "S.P.Granthamala" "S.P.Free Dispensary" "Poor Students Fund" "Gow Raksha Nidhi" representing them to be genuine lottery tickets and thereby dishonestly inducing them to deliver money to the accused and which was the property of the said P.Ws. and others and thereby committed an offence punishable under Sec. 420 I.P.C.

P.Ws.

1. Sri K.V.Mallya, S.I. Police.	To prove his investigation etc.
2. A.A. D'Souza, Kohinoor Press, Mangalore.	To prove that he was printing the so-called lottery tickets of the accused's concern since '44 etc.
3. J.M.D.Souza, Br. Post Master, Bijai, Mangalore.	To prove that the accused was sending out bundles of donation tickets by post and that the accused was accepting the postal correspondence addressed to S.P.Granthamala, P.O. Bijai etc., and to produce the V.P.registers etc.
4. C.H. Malinga, Postman, Bijai.	To prove that he was delivering all postal articles to the accused who was said to be running what was known as S.P.Granthamala etc.
5. Polepalli Chandraya Shetty, Mandanpalli.	To prove that he had bought the bogus lottery ticket and that he was cheated etc.
6. N. Srinivasan s/o N.C.Krishnamachar, Optician, Mandanpalli	To prove that he was buying the lottery tickets from the accused and selling them to his friends and well-wishers and that he has been cheated by the accused etc.
7. H.G.Halappa, School Master, Anandapuram, Sagar Tq.	To prove that he was buying the tickets of the accused and that he was cheated etc.
8. V.Karunakaran, Postman, Calcut.	To prove that he too was buying the so-called lottery tickets from the accused and that he and others thro. him were cheated by the accused etc.
9. M. Appu s/o Raman, Govt. Industrial School, Calicut.	To prove that he was cheated as a result of the buying of the bogus lottery tickets etc.
10. Balan s/o Ramakutty, Premier Hosiery, Calicut.	To prove that he was cheated as a result of the buying of the bogus lottery tickets etc.
11. Krishna s/o Venkatramana, Thirpur	To prove that he was cheated by the bogus lottery concerned of the accused etc.
12. H.K.Sadashiva, Jethu Bai Govindji Cotton Merchant, Thirpur	To prove that he too has been cheated by the bogus lottery tickets of the accused etc.
13. K.Gopal Bhat, s/o P.Sheshappaya, c/o -do.	To prove his complaint etc.
14. T.V.Bhuman s/o T.V. Venkatakrishnachar do.	To prove his complaint etc.

15.	H.Lazman Shetty, s/o Venkappa Shetty, Sagar.	To prove his complaint etc.
16.	B. Basappa s/o Thotappa, Sagar.	-do-
17.	B. Kallappa s/o Basappa, Sagar.	-do-
18.	N.G. Veerabhadrappa, stock Inspector, Sagar.	-do-
19.	Shiva Rama Rao, School Master, Boloor.	To prove that the so called concerns of the accused do not exist and that there were no such concerns in Boloor village.
20.	Krishna Rao, V.M. of Boloor.	To prove that there was no such institution called as S.P. Granthamala or S.P. Free Dispen ary or Gow Raksha Nidhi in Boloor village and also to prove the history of the B.B.Orphanage at Boloor etc.
21.	H. Ramappa, V.M. of Kodialbail.	To prove that there was no such institution called as S.P. Granthamala or S.P.F.Dispensary nd that the accused was not having any lottery in the village etc.
22.	Monappa Thingalaya, Hoige Bazaar.	To prove that the accused was not authorised to make any collections for the Aryq Samaj relegion and that the accd. had ceased to be a member of the Samaj since long back etc.
23.	H.C.295 Sitarama	To prove the details of his investigation etc.
24.	H.C.246 L.D.Souda.	-do-

(True copy)

Home (W) Department

Lr. Reg. No. 8788-D/47-1 dated 8-2-1947.

To the Hon'ble the C.J., High Court, Madras. (with enclo.)

Hon'ble Sir,

Sub: Courts - Communal - South Kanara dt. - Bogus Lotteries. Trial of Cases Appointment of Spl. 1st Class Magistrate Proposals.

I am directed to forward a letter from the D.M., South Kanara Reg. C. No. 4967-46-C1 dated 4.2.1947 together with its enclosures on the subject cited and to request that the Hon. the Judges will be so good as to offer their remarks on the D.M's proposal.

Copy to D.M., S. Kanara. The D.M. should have forwarded the

proposal through the
high Court with reference
to Memo. No. 56676-D/46
Home dated 11.1.1947

Secy F

Copy of c.f. taken for
separate action in
so regard to A.P.P.S.
12/2/47. [illegible]
12/2/47

R.O.C.No.1141 of 1947 D-3.

15671 D
6.3.47

From

P.T.Raman Nayar Esq., I.C.S.,
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department, Madras.
(with enclosure).

Dated 3rd March 1947.

Sir,

Courts - Criminal - South Kanara Dt. - Bogus lotteries - Trial of cases - appointment of Special I Class Magistrate proposals - recommended.

Ref: Your letter No.8788 D/47-1 Home dated 13-2-1947.

The Hon'ble the Judges support the proposal under reference. The extra cost involved by the employment of the special Magistrate and his staff in question will be met from the existing appropriation under "27 Administration of Justice -h. Criminal Courts"

Their Lordships suggest that the Special Magistrate should also be authorised to try any other case that may be transferred to him for the reasons stated in my letter R.O.C.No.996/47 D-3

dated 24--2--1947 in connection with the appointment of a Special I Class Magistrate at Madura for the trial of a conspiracy case against Communists.

REGISTRAR.

PR/

Ref.C.No.4967-46-Cl.

S.K.Dt.Magistrate's Office, Mangalore dated 12.3.47.

37

19950D

From

J.F.Saunders Esqr,M.B.E.,I.C.S.)
Dt.Magistrate of S.Kanara.)

To

The Secretary to Government
Home Department
Madras.

Sir,

CRIMINAL JUSTICE- South Kanara District- Bogus lotteries- Trial of cases- appointment of a Special Deputy Collector - I Class Magistrate.

***

Ref: This office letter Ref.C.No.4967-46-Cl dated 3.2.47.

***

I invite attention to this office letter cited above and request that orders passed thereon may kindly be communicated to me at an early date.

For Dt.Magistrate.

Home Department

Endt. No. 8788-D/47-3 Dated 3-47.

Returned. The matter is under the Consideration of the Government

Addl. Asst Secretary to the Government

19.3.47

To The District Magistrate, South Kanara.

Home Department.

22-3-47

G.O. Ms. No. 1162 dated 22-3-47.

Courts - Criminal - South Kanara dt. - Trial of cases relating to Bogus lotteries - Special 1 Class Magistrate and staff - Sanctioned.

--

Read:

From the D.M., South Kanara, Ref. C.No.4967-46-C1 dated 4-2-1947.

From the High Court, Madras R.O.C. No.1142 of 1947 dated 3-2-47.

(D-3).---

Order:

H.E. the Governor of Madras sanctions the creation of a temporary post of Deputy Collector in the Madras Civil Service (Executive Branch) for a period of six months from the date of appointment or till the need ceases, whichever is earlier, to enable a Dy. Collector to be placed on special duty as Special First Class Magistrate in the South Kanara district for the trial of cases relating to bogus lotteries.

2. The Govt. also sanction the employment for the same period of the following staff to work under the Special First Class Magistrate:-

(1) lower division clerk,

(2) one attender, and

(3) two peons.

3. The expenditure should be debited to the relavant subheads of appropriation under "27- Administration of Justice -h. Criminal Courts".

4. The Board of Revenue is requested to forward proposals for the posting of a Dy. Collector as Special First Class Magistrate in the South Kanara district.

5. The Special First Class Magistrate sanctioned in para above is also authorised to try any case that may be transferred to him by the District Magistrate.

6. Sperate orders will issue regarding the appointment of a prosecutor to conduct the cases.

7.3.47

To the Hon'ble C.J.,
the Bd. of Rev.
(with copy of p. 1 c.f.)
" the D.M., South Kanara
" A.G. through Finance,
" the Revenue Dept.

Note:

Para 5 of the app. I.C.F.

A copy of the letter has been given to P.W. of P. No. 100 (Report from the I.O. re: the availability of P.I. has been received on 5-3-47 and the file is also received by us) section and the file will be submitted separately.

Draft may go to Finance and Revenue for acceptance. ~~and issued (sent) for perusal.~~

7.3.47 [NO action is called for now on para 4 of I.C.F.]

May be accepted.

8/3/47 8/3/47

Finance Dy.

In the circumstances stated by the D.M. South Kanara, in para 12 of page 1 of the draft order overleaf may be accepted in this Dept. The extra cost on account of the staff proposed amounts to Rs 5400/- roundly non-recurring. As the cost of the staff exceeds Rs 2000/- A.P.M. should see the case.

10.3.47

I suggest one L.D. clerk (Asst. one attender & two peons) is sufficient for magisterial work when a Joint Magistrate

11/3/47

To U.S.

This Dept may agree with the view expressed by the Finance Secy above. The file may be returned to Revenue Dept.

13/3/47 14/3/47

Dy. Secy. to G.

For orders whether the Finance Deputy Secretary's suggestion above may be accepted.

2 For orders as to circulation.

may be accepted.

17/3/47 17/3/47

18/3/47 Home/Land

Home Dept.

14/3/47

Rev. Dept.

Rev. Dy. Secy. to G.

Finance Dept. No. 608 171 47 43 497 5396

Home No. A 8758 D/47-2

8.3.47

Finance No. 14520 B1-1

Rev. No. 12 [illegible] /47-1

SECRETARY TO GOVERNMENT 14520B1 11 MAR 1947 FINANCE DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT 13 MAR 1947 REVENUE DEPARTMENT

ADDITIONAL ASSISTANT SECRETARY 21 MAR 1947 HOME DEPARTMENT

ADDITIONAL ASSISTANT SECRETARY 15 MAR 1947 HOME DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT 15 MAR 1947 HOME DEPARTMENT

19627-D 15.3.47

C.NO.8788 D/47

-3-

41.

Please see the notes on p.2 ante. As p.2 ante suggested by the Finance Dept., the file may be circulated to the Hon. Ministers for Finance.

25-3-47

25-3-47

25/3/47

26/3/47

Hon'ble

9/26.3.1947.

ADDITIONAL ASSISTANT SECRETARY
1 APR 1947
HOME DEPARTMENT

p 3 ante

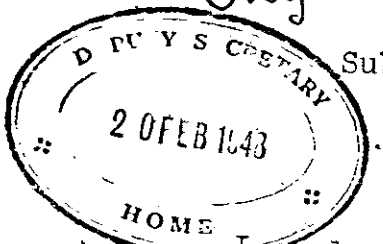
(Issued as G.O.Ms.No.1162, Home dated 22.3.47.)

4

Office of the District Magistrate
South Kanara, Mangalore, D.17-2-48.

My dear Pulla Reddi,

147680
20/2/48



Sub: Courts - Criminal - Mangalore - Special Ist Class Magistrate for Trial of Bogus Lottery cases - C.C. 16/47 - Release of arrested accused by Third Presidency Magistrate - Bombay - Report submitted.

I enclose for your information a copy of letter No. 8/48 dated 16th February 1948 from the Special Ist Class Magistrate for the Trial of Bogus Lottery cases, Mangalore, which discloses rather disturbing features. It will be observed that the very learned Third Presidency Magistrate, Bombay, appears to have taken, what I can only submit, is an extraordinary attitude, in directing the release of the persons accused of a gigantic fraud and conspiracy. It would appear to me that a more reasonable course would have been to bind over the persons arrested by the Police and have held a formal enquiry in case the very learned Third Presidency Magistrate doubted the veracity or the truthfulness of the warrants issued or felt that they were a forgery. If however, it is only the question of seal that worried him, he could easily have set it right by a reference to the District Magistrate, South Kanara.

2. In these days it is becoming more and more difficult to deal with unlawful activities and if Inter-Provincial Cooperation is not forthcoming, it will only mean that a premium will be placed on wrong doing on an Inter-provincial scale; and truth, justice and fair-play will be at a discount.

3. In view of the extra-ordinary attitude of the Third Presidency Magistrate it will now be impossible to secure the presence of the accused in these particular cases roaming at large in Bombay Province. I would therefore submit that suitable steps may be taken to ensure that the course of justice is not obstructed indefinitely.

4. I am sending the duplicate set of warrant myself with the covering letter to the Chief Presidency Magistrate, Bombay.

Yours sincerely,

S R Kanwar

O. Pulla Reddy Esq., I.C.S.,
Secretary to Government,
Home Department, Fort St. George,
Madras - 9.

4

Ref.C.No.8/48.

Court of the Special Ist Class Magistrate for trial of Bogus Lottery cases, Mangalore, Dated 16- 2- 1948.

D.O.

Dear Sir,

Sub: Courts - Criminal - Mangalore - Special Ist Class Magistrate for Trial of Bogus Lottery cases - C.C. 16/47 - Release of arrested accused by Third Presidency Magistrate - Bombay - Report - submitted.

C.A.Toscano and R.F.Toscano of Bombay have been charged by the Special Police Staff, in Mangalore North Police Station Crime No.126/46, under Section 420 and 37 I.P.C., in C.C.16/47, on the file of my court. Two Bailable warrants with the relevant details typed and duly sealed were sent to the Chief Presidency Magistrate, Bombay for favour of execution by the General Branch C.I.D. Bombay. The Mangalore Head-constables who took these Bailable-warrants, got them endorsed by the Chief Presidency Magistrate, Bombay and with the help of the Bombay C.I.D., arrested the two accused, and produced them before the III Presidency Magistrate, Bombay on 9-1-48 along with the transfer charge-sheet for binding them to appear in my court.

Z

2. On 20- 1- 1948, the III Presidency Magistrate, in his case No.74/P. of '48 discharged the two accused on the grounds mentioned in his order, a copy of which is enclosed. In this connection I have to say that the III Presidency Magistrate is not correct in his order of release! The Bailable -warrants were impressed with the seal of the Deputy Magistrate, South Kanara and the letters are quite visible. The Bailable-warrants proved to be defective by the Third Presidency Magistrate are enclosed for reference. The Third Presidency Magistrate is under the impression that the seal should be of the Special Ist Class Magistrate. But here, the head of the District is the District Magistrate and the Sub Divisional Magistrates and other Special Magistrates exercising first class powers are called Deputy Magistrates. Hence this is the seal supplied to this court and there is no illegality in the affixture of this seal. Theme there is the defenite address of the accused, giving father's name and their residence in detail. Moreover, who are specified in the discharge order; the Bombay C.I.D.Police who arrested the two accused also know them. There was absolutely no doubt as to the identity of the two accused. The order does not mention that the accused contended about the correctness of their identity. Further these two Bailable warrants were also sealed and endorsed for execution by the Chief Presidency Magistrate, Bombay and he did not raise these two points of seal and address of the accused at the time of endorsement for execution. Even in spite of this if the Third Presidency Magistrate doubted the correctness of the warrants, he should have adjourned the transfer charge-sheet ~~and bound over the two accused to the~~ case for hearing, given a notice to this court to meet the objection and bound over the two accused to the adjourned date without discharging them. Now by this discharge the two accused are likely to abscond frustrating all attempts to bring them to justice.

p.5 infra

K

3. I have also to point out that I sent three telegrams dated 20- 1- 1948, 28- 1- 1948 and 5- 2- 1948 to the Third Presidency Magistrate for favour of informing this court when the two accused were bound over to appear in this court. Copies of these three telegrams are enclosed for perusal. The Third Presidency Magistrate did not condescend to favour me with a reply. I get the order of the Third Presidency Magistrate dated 20- 1- 1948 to-day 16- 2-1948.

4 p 4 infra

4 Z infra

4. I request that the Madras Government and the Bombay Government may kindly be moved to take necessary action in the matter.

5. I am enclosing fresh set of Bailable-warrant for favour of forwarding them direct to the Chief Presidency Magistrate, Bombay for execution through Bombay C.I.D.

Yours sincerely,
Sd. Charles John, 16.2.
Spl.Ist class Magistrate.

To S.B.Kaiwar Esq., I.C.S.,
District Magistrate; S.K.

(True Copy)

District Magistrate.

Ordinary Telegram dated 20- 1- 1948.

Third Presidency Magistrate,
Esplanade, Bombay.

1. Accused Toscano's Prroduced before you on Nineth January for appearance in Mangalore. Not appeared.
Case-posted Twentyfourth January. Please intimate date bound over

Specail Magistrate,
Mangalore.

2. Ordinary Telegram dated 28- 1- 1948.

Third Presidency Magistrate,
Esplanade, Bombay.

"No reply to Telegram dated Twentieth January.1948.
Please telegraph when two accused Toscanoes Bound over to appear in this court.

Special Magistrate,
Mangalore.

3. Third Presidency Magistrate,
Esplanade, Bombay.

" In reply to my two telegrams January
Accused Toscanoes Not yeat appeared.
Please telegraph reply which date Bound over.
Accused produced in your court on Nineth January.

Special Magistrate,
Mangalore.

(True Copy)

Sd. Charles John, 16.2.48.
Spl. Ist Class Magistrate,
Mangalore, S.Kanara.

(True Copy)

S R K anwar

District Magistrate.

(Copy)

In the Presidency Magistrate's III Court, Esplanade, Bombay.

Case No.74/P. of 1948.

(Mangalore transfer case ... C.R. No. 126 of 1946)

King Emperor ... ... Complainant.

Versus.

(1) C.A.Toscano
(2) R.F.Toscano. } Accused.

Witnesses.(1) H.C.511/Special duty (2) H.C.158/Special duty.
(3) Rayline Pche (4) H.C.2350/K Bombay C.I.D.

Charge: That the marginally noted accused have been arrested at Bombay in connection with Mangalore North Police Station C.R.No. 126/46 under Section 420 and 37 I.P.C. where they are wanted as accused. Warrants for their arrests were issued by the Ist Class Magistrate Mangalore and have been executed. The accused may be ordered to be transferred to that court to stand their trial.

Both the accused are on bail.

Order: The warrants (Ex.A) in this case appear to me to be invalid. The seal on the warrants is not clear and if an effort is made to read it, it appears to be not of the Court issuing these warrants. The warrants also do not give full names of the persons to be arrested. I therefore order the accused to be discharged. Bail bonds cancelled. Warrants (Ex.A) to the court issuing the same.

Sd. G.K. Rege.
20-1- 1948.

(True Copy)

Sd. G.K. Rege,
Presidency Magistrate,
III Court, Esplanade, Bombay.

No. 213 of 1948. Bombay, 10th Feb. 1948.

Copy fowarded with compliments to Special First Class Magistrate Mangalore, Kankandy for information together with warrants Ex.A.

Sd. G.K. Rege,
Presidency Magistrate, III Court,
Esplanade, Bombay.

(True Copy)

Sd. Charles John,
16- 2- 1948.
Spl. Ist Class Magistrate,Mangalore.

(True Copy)

S R Kanwar

District Magistrate.

HOME DEPARTMENT.

D.O. No. 14768 D/48-2 dated 17/3/48.

My dear Kaiwar,

Criminal Justice - South Kanara Dt. - Trial of bogus lottery cases - C.C. No. 16/47 on the file of the Spl. Ist Class Magistrate, Mangalore - Execution of warrants in Bombay Presidency.

Ref:- Your D.O., dated 17th February 1948.

The Spl. First Class Magistrate, Mangalore has stated that the head of the Dt. is the D.M, and that S.D.Ms and other spl. magts. exercising first class powers are called Dy. Magistrates." This does not appear to be correct, as Tahsildars who exercise First Class powers are not called Deputy Magistrates but are designated A.F.C.Ms., while I.C.S. Officers in charge of sub-divisions are called Joint Magistrates.

Prima facie there is an apparent discrepancy between the seal which purported to be that of the Dy. Magistrate and the designation of the officer as a Spl. I Class Magistrate. I am to request you to explain the circumstances in which the

Spl. F.C.M. was authorised to use the seal of Deputy Magistrate.

Yours sincerely,

To S.R. Kaiwar, Esq.
I.C.S., D.M.,
South Kanara.
Mangalore

(R.D. one month)

Home Department
J1

D.O.No. 14768-D/48-3 dated 20.4.48

My Dear KAIWAR,

Criminal Justice - South Kanara dt - Trial of bogus lottery cases - C.C.No. 16/47 on the file of 1st Spl. 1st class Magistrate, Mangalore - Execution of warrants in Bombay Presidency.

Ref: ~~Correspondence ending with~~ my D.O. No. 14768 D/48-2, Home dated 17-3-48.

I am to enquire when a reply to my reference cited may be expected.

Yours sincerely

20.4.48

To
R.S. Kaiwar Esq. B.C.S.,
D.M., South Kanara,
Mangalore.

34/35-D 53

D.O.C.No.2363/48 C.3. Office of the District Magistrate, South Kanara, Mangalore, D.27-4-48.

My dear Nayak,

Courts: Criminal - South Kanara District - Use of seals - Information - furnished.

Ref: Your D.O.No. 14768 -48 - 2 dated 17- 3- 1948.

I have looked into the matter. All the Magistrates in this District except the Additional First Class Magistrate, South Kanara and the Special First Class Magistrate for the trial of bogus lottery cases Mangalore use magisterial seals which agree with their recognised official designations. The Additional First Class Magistrate, South Kanara uses the seal "Sub-Magistrate South Kanara" and the Special First Class Magistrate for bogus lottery cases Mangalore uses the seal "Deputy Magistrate Mangalore"

2. The exact circumstances in which these seals were supplied to the two magistrates in question are not known. I presume they were supplied with these seals as there were no seals having their proper designations available. As the courts were temporary ones it was probably thought that if indents were placed for proper seals they would not arrive in time and the Court work would consequently suffer.

54

3. I have however made arrangements now to indent for proper seals, though I am afraid that before they arrive, the terms of the courts will have expired.

Yours truly,

S.R.Kamat

To

P.M.Nayak Esq., I.C.S.,
Deputy Secretary to Government,
Home Department,
Fort St. George, Madras.

Home Department.

D.O. No. 14763 D/48-5, dated 24.5.1948.

My dear Kaiwar,

Criminal Justice - South Kanara district - Trial of bogus lottery cases - C.C. No. 16/47 on the file of the Spl. First Class Magistrate, Mangalore - Execution of warrants in the Bombay Presidency.

Ref:- Correspondence ending with your D.O. No. 2363/48 C.3, dated 27.4.48.

The Govt. are advised that the order of the Presidency Magistrate, Bombay was technically correct in law. They do not propose to take any further action in the matter.

Yours sincerely,

To S.R. Kaiwar, Esq., I.C.S., D.M., South Kanara, Mangalore.

(C. No. 14768 D/48)

Home Department.

Criminal Justice - Trial of bogus lottery cases in the South Kanara Dt. - C.C. No. 16/47 on the file of the Spl. First Class Magistrate - Execution of warrants in Bombay Presidency - Release of arrested accused by III Presidency Magistrate, Bombay.

D.O., dated 12.2.48, from the D.M., South Kanara.

In March, 1947, the Govt. sanctioned the establishment of a Spl. I Class Magistrates' Court at Mangalore for the trial of bogus lottery cases. The Court has been continued up to 30.4.48. The Spl. First Class Magistrate sent two bailable warrants to the C.P.M., Bombay for favour of execution by the Genl. Branch, C.I.D., Bombay for the arrest of two accused, C.A. Tascano and R.F. Tascano along with the transfer charge-sheet for binding them to appear in his court. The Head constables who took the bailable warrants got them endorsed by the C.P.M., Bombay and with the help of the Bombay C.I.D. arrested the two accused and produced them before the III Presidency Magistrate, Bombay. The III Presidency Magistrate, considered that the warrants in this case were invalid as the seal on the warrants were not clear and that it was not of the court issuing these warrants and that the warrants did not give full names of the persons to be arrested. He therefore ordered the discharge of the accused and cancelled the Bail Bonds. The D.M., South Kanara has since sent a duplicate set of warrants to the C.P.M., Bombay with a covering letter.

2. The D.M., South Kanara has forwarded a copy of the report of the Special I Class Magistrate in the matter and has stated that the III Presidency Magistrate has taken "an extraordinary attitude" in the matter; that a more reasonable course would have been to bind over the arrested persons and to hold a formal enquiry and if considered that the seal was not in order, he could have easily set it right by a reference to the D.M., South Kanara. The D.M. considers that in view of the attitude taken by the III Presidency Magistrate, it will now be impossible to secure the presence of the

accused who are roaming at large in the Bombay Province and has requested that suitable steps may be taken to ensure that the course of justice is not obstructed indefinitely.

3. The action taken by the Sol. Magistrate was in accordance with the procedure laid down in sec. 83, Cr.P.C. and rule 10 of the Criminal Rules of Practice and Orders.

For orders whether the action of the III Presidency Magistrate, Bombay may be brought to the notice of the Govt. of Bombay for such action as they may deem fit. If so, the draft letter submitted is for approval. Legal may see before issue.

Put up a self-contained letter
26-2-48 -we cannot forward to Bombay a copy of the d.o. letter from the Govt

A revised draft letter to the Govt. of Bombay is subd. for approval.

Home no 147685/487
8.3.48

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ASSISTANT SECRETARY
8 MAR 1948
LEGAL DEPARTMENT

Legal Department

The statement in the letter that Sub-Divisional Magistrates and other special Magistrates exercising I Class powers are called Deputy Magistrates does not appear to be fully accurate. For instance, there are Tahsildars who exercise I Class powers and I do not believe they are called Deputy Magistrates. On the other hand, I.C.S. officers exercising the charge of sub-divisions used to be called Joint Magistrates. Prima facie, there is at least an apparent discrepancy between the seal which purported to be that of a Deputy Magistrate and the designation of

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the officer as a Special First Class Magistrate. It must first of all be ascertained whether the Special First Class Magistrate, South Kanara, has been authorised by Government to use the seal of Deputy Magistrate.

ASSISTANT SECRETARY TO GOVERNMENT 12 MAR 1948 HOME DEPARTMENT

Legal Dy. no 2763/48/7

11-3-48

Hm

Item 6 Dept.

Please see the Legal Dept.'s note at pp. 2-3 above. With reference to 'A' above, it is subd. that no orders have been issued in regard to the seal to be used by the Spl. Ist class Magte., South Kanara. The D.M. may be asked about this discrepancy. The draft D.O. subd is for approval.

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12.3.48

ADDITIONAL ASSISTANT SECRETARY 12 MAR 1948 HOME DEPARTMENT

16/3/48

16/3/48

17/3/48

pp. 7-8 c/f [Issued as D.O. No. 14768 D/48-2, dt. 17.3.48.]

pp. 11-12 c/f From the D.M., South Kanara, D.O.C. No. 2363/48 C.3, dated 27.4.1948

With reference to the Legal Dept.'s note on pp. 2-3 above please see the D.M.'s report on pp. 11-12 c.f. It is submitted that while there might have been some doubt in regard to the seal as it did not bear out to be that of the Special First Class Magistrate, there were other circumstances, viz., that the warrant had been endorsed by the C.P.M., Bombay, that the Bombay C.I.D. had arrested the accused and that the Spl. First Class Magistrate had sent telegraphic reminders, with reference to which the D.M. (Presidency Magistrate Bombay) should have taken steps to verify the genuineness of the warrants before discharging the accused.

Legal may see again.

Home D.O. No. 14768 D/48

ASSISTANT SECRETARY TO GOVT. 5 MAY 1948 S/A LEGAL DEPARTMENT

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3.5.48

3/5 Legal

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Legal Department

Since the District Magistrate, South Kanara, has reported that duplicate warrants have been sent to the Chief Presidency Magistrate, Bombay, no further action appears to be necessary on the file unless it is still intended to take up the matter with the Bombay Government. Here I would observe that the order of the Presidency Magistrate was correct in law. It is an elementary rule that no individual can be detained except under a lawful order or in the exercise of a lawful power. The order in the present case was a warrant issued from Mangalore. But the seal differed from the express designation of the Magistrate and the warrant was thus on the very face of it irregular in a material particular. It is therefore not possible to blame the Presidency Magistrate for declining to act on such a warrant. In respect of the suggestion that he may make enquiries, it must be mentioned that the Magistrate had only to address his mind to one short question, namely is the warrant before me a proper one? It was not proper, It was his duty to discharge the prisoner. It is no part of the duty of the Magistrate to make the enquiry suggested.

In the present instance, we have only to thank our own "Happy go lucky" ways, and should the reference proposed be issued, I shall not be surprised if the reply thereto is a polite snub from the Bombay Government.

Home Department.

In view of the Legal Dept.'s note above, it is for orders whether the question of drawing the attention of the Bombay Govt. to the action of the Presidency Magistrate, Bombay may be dropped. The D.M., South Kanara may be informed accordingly. If so, the draft D.O. submitted is for approval. [After issue may be filed with the original of the G.O. sanctioning the Special Magistrate.]

Legal note 5.5.48

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ASSISTANT SECRETARY TO 12 MAY 1948 HOME DEPARTMENT

ASSISTANT SECRETARY TO 12 MAY 1948 HOME DEPARTMENT

14.5.48 J.M.S. 15.5.48 There is really no need to

these designations like "Deputy Magte" or Joint Magte" or seals bearing those terms. These designations are unknown to the C.P.C and Sub Divl Magte" should accurately cover both of them. However in view of the impending scheme for separation of the judiciary from the executive this question need not be gone into now. D.O may issue

B
22.5.48

Issued as D.O.No: 14788-D/48-5,
Home Dated 24.5.48 - p.55-4